

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of

Restrictions on Over-the-Air
Reception Devices: Television
Broadcast Service and Multi-
channel Multipoint Distribution Service

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CS Docket No. 96-83

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To: The Commission

COMMENTS OF PURDUE UNIVERSITY
DIVISION OF HOUSING AND FOOD SERVICES

Purdue University's Division of Housing and Food Services hereby submits its comments in response to the Commission's Further Notice of Proposed Rulemaking in the above-captioned proceeding.

Purdue University operates one of the largest college housing systems in the United States with 11,346 spaces for single students in residence halls, 1244 apartments for families, and a hotel with 200 guest rooms on its West Lafayette campus. Purdue does not, however, require any student to live on campus as a condition of enrollment.¹

¹ Each apartment, residence hall room and hotel guest room includes an outlet for a University operated video network. The Commission determined in a 1967 letter ruling that this video network was not a cable system. A request for clarification of the status of this network is pending with the Commission. Programming on the network includes broadcast television stations, satellite delivered cable television networks and University-originated programming. Purdue does not charge a separate subscription fee for the video network and all network operating costs are included in the charge for the housing itself. Thus, a decision by an individual student to subscribe to an alternate video programming service would not result in a loss of income to the University.

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Many if not most Purdue students would be ill prepared and poorly equipped to install video reception equipment on the exterior of their rooms. All housing facilities at Purdue are multi-story buildings with a majority of the facilities having four to 13 floors. Such an installation would, in most cases, require the student to work from a room window. The ability of typical students to perform such work without jeopardizing their safety or the safety of pedestrians is highly questionable. Similarly, the ability of typical students to install such equipment without detrimental effect to the exterior of the buildings is likewise questionable. Although there are exceptions, most students living in University housing are in residence for a traditional nine month academic year and may make one or more changes in room or apartment assignment during that year. The transient nature of these residents suggests that video reception equipment mounted on the exterior of their rooms would be subjected to an installation and removal cycle significantly shorter than that intended by the equipment manufacturer. While this short cycle may or may not adversely affect the equipment it would clearly have adverse effect on the building surfaces involved. It should also be noted that some academic-year students and many summer session residents are under the age of 18 and, thus, not of the age of majority. Their physical ability to install video reception equipment aside, they may not be legally competent to exercise such ability should they possess it.

The University could conceivably develop a program to certify contractors from the private sector to install video reception equipment outside of student room or apartment windows per University specifications with subsequent inspection by University staff. Alternately, the University could develop a program to install such equipment with University staff trained in safe and proper installation techniques. Even though installation might be accomplished by qualified individuals, such installation only reduces wear and tear on the building from the installation

process, it does not eliminate it. It should be noted that the housing operation at Purdue is self-supporting, deriving its income from fees charged to those living in the facilities. As the University would incur additional costs with either of these installation approaches it would be necessary for the University to recharge these costs to the individual students requesting installation. These additional costs and charges run contrary to the traditional mandate for on-campus housing to provide modest accommodations at economical costs. Further, the management of an installation program increases the administrative complexity of the University's operation with little obvious educational benefit.

Supervised installation programs such as those described above may adequately protect the campus infrastructure and the safety of residents and campus visitors, but such programs do nothing to address the aesthetic issues raised by the presence of such reception devices on the exterior of the buildings. Purdue, like most major universities, has invested considerable resources in its campus architecture. Several residence halls are considered historically and architecturally significant within the campus, and none of the housing facilities were designed with the thought that video reception equipment would be routinely installed on exterior walls. College campuses in general and Purdue's campus in particular are often considered photogenic and picturesque. A proliferation of video reception equipment on building exteriors would significantly and adversely alter the campus landscape.

Purdue has traditionally prohibited students from hanging or installing items on the exteriors of the housing buildings. This prohibition has both practical and educational objectives. Should Federal regulation pre-empt this policy, many students would surely ask why, on one hand, they can have video reception equipment installed outside their room windows but, on the other hand, they cannot have a bird feeder, clothes line, or bag of apples safely hung from the

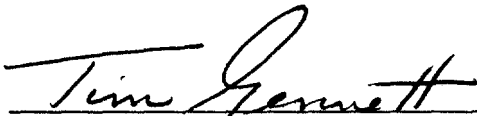
window. A Federal regulation which pre-empts the University's ability to prohibit the presence of video reception equipment on the exterior of a residence hall room effectively pre-empts the University's ability to prohibit other items from being similarly mounted. The effect of such a regulation, thus, goes far beyond the goal of promoting competition in the delivery of video programming services and intrudes upon the University's ability to manage its property for the educational benefit of its students.

Some (but not all) campus housing buildings are designed such that space could be developed on a roof top for an antenna farm. Students wishing to subscribe to a commercial video programming service could, through a supervised installation program similar to that described above, pay to have video reception equipment installed on the roof. With respect to Purdue's existing housing facilities, however, the buildings with open roofs lack routes that would accommodate cabling from the roof to individual student rooms. Such an approach might eliminate the safety, aesthetic and logistical objections to reception equipment mounted outside of student rooms but could only be implemented with a significant capital cost to construct the needed routes. Were the University required to make the investment to create these routes the obvious result is an increase in the cost of on-campus housing which, as noted earlier, is not consistent with the University's mandate.

College and University housing facilities exist to serve a very narrowly defined population with very specific needs and are, thus, quite different from housing that accommodates the general public. If the Commission decides to restrict the ability of property owners to limit placement of antennas on rental property by tenants or occupants, please bear in mind the unique nature of college housing, which we believe should be exempt from such a policy.

Respectfully submitted.

PURDUE UNIVERSITY
DIVISION OF HOUSING AND FOOD SERVICES

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